

STATEMENT OF BASIS (AI No. 10249)

for draft Louisiana Pollutant Discharge Elimination System permit No. **LA0116998** to discharge to waters of the State of Louisiana.

THE APPLICANT IS: U. S. United Bulk Terminal, LLC
14537 Hwy 15
Davant, LA 70040

ISSUING OFFICE: Louisiana Department of Environmental Quality (LDEQ)
Office of Environmental Services
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313

PREPARED BY: Lisa Kemp

DATE PREPARED: July 15, 2009

1. PERMIT STATUS

A. Reason For Permit Action:

Permit reissuance of a Louisiana Pollutant Discharge Elimination System (LPDES) permit for a 5-year term. According to the application, the barge cleaning operation started up in 2003, but has not operated within the last three years. However, U. S. United Bulk Terminal, LLC has decided to renew the LPDES permit in case barge cleaning operations are started up again in the future.

- B. LPDES permits – LA0116998
LPDES permit effective date: June 1, 2003
LPDES permit expiration date: May 31, 2008
EPA has not retained enforcement authority.

This permit was modified effective June 7, 2004 to add Outfalls 004 and 005.

This permit was modified effective March 6, 2008 to reflect the change in ownership from TECO Bulk Terminal, LLC to U. S. United Bulk Terminal, LLC.

- C. Date Application Received: June 15, 2009; additional information was received via telephone conversation on July 7, 2009 and via email on July 7, 2009, July 8, 2009, July 13, 2009, and July 15, 2009.

2. FACILITY INFORMATION

A. FACILITY TYPE/ACTIVITY - barge and ship hold cleaning operation

According to the application, U. S. United Bulk Terminal, LLC is an existing dry bulk cargo barge and ship hold cleaning operation. After all products have been removed, the dry bulk cargo ship holds, dry bulk sea-going barges, and cargo inland (hopper barges) are mechanically swept or vacuum cleaned. Any remaining particles are removed by washing with water taken directly from the Mississippi River. For the coal and coke hopper barges and sea-going barges and ships which carried coal and coke, the washwater is pumped to a settling barge where the residual dust and small amounts of particles are allowed to settle before the wash water is pumped into the river. See Attachment 1 for a list of potential commodities.

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Coal and petroleum coke residue will be reclaimed and returned to the terminal's product inventory. Dry commodity residue accumulated from ships will be drummed and handled as per the products' shipper's direction. The shipper typically holds the drummed residue for pickup by a cargo hauler who is licensed for appropriate disposal. In the case of inland and sea-going barges, the terminal will dispose of solid waste to proper landfills.

B. FEE RATE

1. Fee Rating Facility Type: minor
2. Complexity Type: II as per LAC33:IX.1319 Table I and SIC 4463*.
3. Wastewater Type: II
4. SIC code: 4491

* In Appendix A - Section IV (Relation of 1987 to 1977 Industries) of the Standard Industrial Classification Manual, the SIC code 4491 is equivalent to a previous SIC code of 4463

C. LOCATION - between Mississippi River Miles 53.9 and 56.7 M.A. H. P., in Davant, Plaquemines Parish Latitude 29° 37' 10", Longitude 89° 53' 38"

3. OUTFALL INFORMATION

Outfall 001 chemical and petroleum cargo barge washwater

This outfall has been deleted.

Outfall 002 food grade cargo barge washwater

This outfall has been deleted.

Outfall 001 (chemical and petroleum cargo barge washwater) and Outfall 002 (food grade cargo barge washwater) have been deleted per applicant request. These two outfalls were include in the previous permit for vessel cleaning which is regulated under the Transportation Equipment Cleaning guidelines, 40 CFR Part 442. This facility only cleans dry bulk cargo ship holds and dry bulk sea-going barges. Facilities cleaning vessels which contained dry bulk goods only are not subject to the effluent limitations guidelines for Transportation Equipment Cleaning.

Outfall 003A incoming ballast water from customer barges

This outfall has been deleted. These discharges are now covered under EPA's Vessel General Permit.

Outfall 003 (former Outfall 003B)

Discharge Type: facility ballast water and void water
 Treatment: none
 Location: at the point of discharge from the vessel prior to combining with other waters
 Flow: intermittent
 Discharge Route: the Mississippi River

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Outfall 004

Discharge Type: dry commodity vessel washwater
Treatment: none
Location: at the point of discharge from the barge / vessel being washed prior to combining
with other waters
Flow: intermittent
Discharge Route: the Mississippi River

Outfall 005

Discharge Type: coal and coke vessel washwater
Treatment: settling barge
Location: at the point of discharge from the settling barge prior to combining with other
waters
Flow: intermittent
Discharge Route: to the Mississippi River

4. RECEIVING WATERS

STREAM - the Mississippi River

BASIN AND SEGMENT - Mississippi River Basin, Segment 070301

DESIGNATED USES -
a. primary contact recreation
b. secondary contact recreation
c. propagation of fish and wildlife
d. drinking water supply

5. TMDL STATUS

The discharges from U. S. United Bulk Terminal, LLC are to the Mississippi River, Subsegment 070301 of the Mississippi River Basin. Subsegment 070301 is not listed on LDEQ's Final 2006 303(d) List as impaired, and to date no TMDL's have been established. A reopener clause will be established in the permit to allow for the requirement of more stringent effluent limitations and requirements as imposed by any future TMDLs.

6. PROPOSED EFFLUENT LIMITS

BASIS - See Rationale below.

Changes from the previous permit:

1. Outfall 001 (Chemical and Petroleum Cargo Barge Washwater) and Outfall 002 (Food Grade Cargo Barge Washwater) have been deleted per applicant request. These two outfalls were include in the previous permit for vessel cleaning which is regulated under the Transportation Equipment Cleaning guidelines, 40 CFR Part 442. This facility only cleans dry bulk cargo ship holds and dry bulk sea-going barges. Facilities cleaning vessels which contained dry bulk goods only are not subject to the effluent limitations guidelines for Transportation Equipment Cleaning.

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2. Outfall 004 "discharge from washing of river hopper barges used for dry commodities" has been renamed "dry commodity vessel washwater."
3. Outfall 005 "discharge from washing of river hopper barges used for coal and petroleum coke" has been renamed "coal and coke vessel washwater."
4. Outfall 003A (Discharge of incoming ballast water from customer barges) has been deleted. These discharges are now covered under EPA's Vessel General Permit.
5. Outfall 003B "discharge of maintenance ballast water" has been renamed Outfall 003 "facility ballast water and void water." Visual sheen has been added to Outfall 003 and the monitoring frequency has been changed from once/month whenever sampling is required to once per event whenever sampling is required. These changes have been made in accordance with current LDEQ guidance for similar discharges from similar facilities.
6. Part II language for facility ballast and/or void water has been updated in accordance with current LDEQ guidance for similar discharges from similar facilities.
7. Language has been added to Part II of the permit stating that this LPDES permit does not exempt the facility from compliance with the requirements of the EPA Vessel General Permit for Discharges Incidental To The Normal Operation of Vessels (VGP).
8. The barge cleaning operation is in the Mississippi River, but the cleaning crew leaves from the U. S. United Bulk Terminal Facility to the barges/vessels to be cleaned. The Stormwater Pollution Prevention Plan (SWP3) for the United Bulk Terminal (LPDES permit LA0070602) includes the dock and mooring areas. This facility is a water related operation only. Therefore, the SWP3 requirement has been removed from this permit. Barge BMPs are comparable to the SWP3 requirements; therefore, the barge BMPs will be applied instead.

7. COMPLIANCE HISTORY/COMMENTS

- A. OEC – There are no open, appealed, or pending OEC enforcement actions as of July 7, 2009
- B. DMR Review/Excursions – DMRs on file for the period July, 2007 through December, 2008 were reviewed. All DMRs reported "no discharge." According to the application, the barge cleaning facility has not operated in the last three years.
- C. Inspections – there are no recent inspections on file; the barge cleaning operations have not operated in the last three years.

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8. EXISTING EFFLUENT LIMITS

Outfall 001 – chemical and petroleum cargo barge washwater

Pollutant	Limitation		Frequency
	Monthly Avg	Daily Max	
	mg/L (unless stated)		
Flow	Report	Report	1/week
BOD	22	61	1/week
TSS	26	58	1/week
Oil & Grease	16	36	1/week
pH standard units	6.0 (min)	9.0 (max)	1/week
Total Cadmium	---	0.020	1/month
Total Chromium	---	0.42	1/month
Total Copper	---	0.10	1/month
Total Lead	---	0.14	1/month
Total Mercury	---	0.0013	1/month
Total Nickel	---	0.58	1/month
Total Zinc	---	8.3	1/month

Outfall 002 – food grade cargo barge washwater

Pollutant	Limitation		Frequency
	Monthly Avg	Daily Max	
	mg/L (unless stated)		
Flow	Report	Report	1/week
BOD	24	56	1/week
TSS	86	230	1/week
Oil & Grease	8.8	20	1/week
pH standard units	6.0 (min)	9.0 (max)	1/week

Outfall 003A – incoming ballast water from customer barges

Outfall 003B – maintenance ballast water

Pollutant	Limitation		Frequency
	Monthly Avg	Daily Max	
	mg/L (unless stated)		
Flow	Report	Report	1/wcek (*1)
COD	---	250	1/week (*1)
Oil & Grease	---	15	1/week (*1)
pH standard units	6.0 (min)	9.0 (max)	1/week (*1)

(*1) Sampling for 003B is only required if a visible oil sheen is present. The measurement frequency for 003B shall be 1/month whenever sampling is required instead of 1/week as stated above.

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Outfall 004 – discharge from washing of river hopper barges used for dry commodities

No effluent limitations were established for washing of river hopper barges used for dry commodities. Best Management Practices (BMPs) for barge operations are contained in Part II of the permit.

Outfall 005 – discharge from washing of river hopper barges used for coal and petroleum coke

Pollutant	Limitation		Frequency
	Monthly Avg	Daily Max	
	mg/L (unless stated)		
Flow	Report	Report	1/week
COD	250	400	1/week
TSS	Report	Report	1/month
pH standard units	6.0 (min)	9.0 (max)	1/week

9. ENDANGERED SPECIES

The receiving waterbody, Subsegment 070301 of the Mississippi River Basin, has been identified by the U.S. Fish and Wildlife Service (FWS) as habitat for the Pallid Sturgeon, which is listed as an endangered species. LDEQ has not submitted this draft permit to the FWS for review in accordance with a letter dated November 17, 2008 from Rieck (FWS) to Nolan (LDEQ). As set forth in the Memorandum of Understanding between the LDEQ and the FWS, and based on information provided by the FWS, LDEQ has determined that the issuance of the LPDES permit is not likely to have an adverse effect upon the Pallid Sturgeon. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat. Therefore, the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat.

10. HISTORIC SITES

The discharge is from an existing facility location, which does not include an expansion on undisturbed soils. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the "Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits" no consultation with the Louisiana State Historic Preservation Officer is required.

11. TENTATIVE DETERMINATION

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to issue a permit for the discharge described in the application.

12. PUBLIC NOTICES

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the statement of basis. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

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Public notice published in:

Local newspaper of general circulation

Office of Environmental Services Public Notice Mailing List

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Rationale for U. S. United Bulk Terminal, LLC

1. Outfall 003: facility ballast water and void water

Pollutant	Limitation		Reference
	Monthly Avg	Daily Max	
	mg/L (unless stated)		
Flow ¹	Report	Report	
COD ¹	---	250	Similar discharges (BPJ)
Oil & Grease ¹	---	15	Similar discharges (BPJ)
Visual Sheen ²	---	No Presence	Similar discharges (BPJ)
pH ¹			
standard units	6.0 (min)	9.0 (max)	Similar discharges (BPJ)

BPJ Best Professional Judgment

Treatment: none

Monitoring Frequency: 1/day for Visual Sheen. Flow, COD, Oil & Grease and pH shall be observed once per event at the point of discharge from the vessel/dry dock prior to combining with other waters.

Limits Justification: Limits and Monitoring Frequency are based on current guidance for similar discharges from other industrial facilities.

1. Discharge shall be sampled whenever there is a presence of a visible sheen.
2. When discharging.

2. Outfall 004: dry commodity vessel washwater

Based on BPJ and on permits for similar facilities, no effluent limitations are established for washwaters from barges previously containing dry commodities (see Attachment 1 for list of commodities). Best Management Practices (BMPs) for barge operations are listed in Part II of the permit.

3. Outfall 005: coal and coke vessel washwater

Pollutant	Limitation		Reference
	Monthly Avg	Daily Max	
	mg/L (unless stated)		
Flow	Report	Report	LAC 33:IX.2701.1.1.b
COD	250	400	Similar discharges (BPJ)
TSS	Report	Report	Similar discharges (BPJ)
pH standard units	6.0 (min)	9.0 (max)	Similar discharges (BPJ)

BPJ Best Professional Judgment

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Rationale for U. S. United Bulk Terminal, LLC

1. Outfall 003: facility ballast water and void water

Pollutant	Limitation		Reference
	Monthly Avg	Daily Max	
	mg/L (unless stated)		
Flow ¹	Report	Report	
COD ¹	---	250	Similar discharges (BPJ)
Oil & Grease ¹	---	15	Similar discharges (BPJ)
Visual Sheen ²	---	No Presence	Similar discharges (BPJ)
pH ¹ standard units	6.0 (min)	9.0 (max)	Similar discharges (BPJ)

BPJ Best Professional Judgment

Treatment: none

Monitoring Frequency: 1/day for Visual Sheen. Flow, COD, Oil & Grease and pH shall be monitored once per event at the point of discharge from the vessel/dry dock prior to combining with other waters.

Limits Justification: Limits and Monitoring Frequency are based on current guidance for similar discharges from other industrial facilities.

1. Discharge shall be sampled whenever there is a presence of a visible sheen.
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Pollutant	Limitation		Reference
	Monthly Avg	Daily Max	
	mg/L (unless stated)		
Flow	Report	Report	LAC 33:IX.2701.1.1.b
COD	250	400	Similar discharges (BPJ)
TSS	Report	Report	Similar discharges (BPJ)
pH standard units	6.0 (min)	9.0 (max)	Similar discharges (BPJ)

BPJ Best Professional Judgment

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Treatment: settling barge

Monitoring Frequency: TSS shall be monitored once per month and Flow, COD and pH shall be monitored once per week at the point of discharge from the barge / vessel being washed.

Limits Justification: Limits and Monitoring Frequency are based on current guidance for similar discharges from other industrial facilities.

This facility is not subject to Effluent Limitations Guidelines for Transportation Equipment Cleaning, 40 CFR Part 442, because, in accordance with 40 CFR 442.1.a, "this part applies to discharges resulting from cleaning the interior of tanks used to transport chemical, petroleum or food grade cargos." This facility cleans barges and vessels containing dry commodities only. This facility does not clean barges and vessels containing chemical, petroleum or food grade cargos as defined in 40 CFR 442.

Storm Water Pollution Prevention Plan (SWP3) Requirement

A SWP3 is included in the permit because in accordance with LAC 33:IX.2511.A.1, storm water discharges shall not be required to obtain an LPDES permit "... except... discharges associated with industrial activity." In accordance with LAC 33:IX.2511.B.14.a-k, facilities classified as SIC code 4491 are considered to have storm water discharges associated with industrial activity. However, an SWP3 is not included in the permit because the facility is a water related operation only. Barge BMPs are comparable to the SWP3 requirements; therefore, the barge BMPs will be applied instead.

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ATTACHMENT 1

List of Commodities

Outfall 001

Aggregate	Magnesite
Alumina	Magnetite
Barite	Manganese
Bauxite	Mill Scale
Bonemeal	Olivine
Brown Fused Alumina	Ore Products
Cements	Phosphate
Chrome	Potash
Copper	Utile
Dunnage	Salt
Ferro Chrome	Sand
Ferro Manganese	Scrap Iron/Steel
Ferro Phosphorous	Silicon Carbide
Ferro Silicon	Silicon Manganese
Ferro Sulphate	Soda Ash
Fertilizer	Spoudumene
Fishmeal	Sugar Products
Fluospar	Talc
Fly Ash	Timber/Wood Products
Furnace Slag	Titanium
Grain Products	Vermiculite
Graphite	Wood Chips
Gypsum	Zinc
Hard Grain	Zircon
Illmenite	
Iron Ore	
Iron Products	
Lead	
Leucoxene	
Lime	
Limestone/Rock	

Outfall 002

Coal
Petroleum Coke
Bituminous Pitch